

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Minutes for

COMMISSION MEETING

December 9, 2016

Location: Conference Room, SC Commission on Indigent Defense, 1330 Lady Street, Columbia, SC

Attending Members: Harry Dest, Hon. Edward Cottingham, Hon. Duane Shuler, Jack Howle, John Nichols, Ashley Pennington, Murrell Smith, Doug Strickler, Walker Willcox

Attending Staff: Patton Adams, Hugh Ryan, Lawrence Brown, Lori Frost, Rodney Grizzle

There being a quorum, the Chair called the meeting to order.

Future Meeting Dates: The next regular meeting was tentatively set for February 10, 2017, with the possibility that it might be rescheduled or combined with an earlier special meeting.

Supplemental Distribution to the Circuit Public Defender Offices: Director Adams informed the Commission that because of some available carry-forward funds, his recommendation was that the Commission authorize a one-time distribution of funds to the circuit public defender offices in the amount of one million dollars (\$1,000,000.00) to be divided per capita by county among the various offices for use for one-time expenses of the offices related to the hiring of 81 new personnel statewide. A Motion was made and seconded to approve a supplemental distribution to the Circuit Public Defender Offices in the amount of \$1 million to be divided per capita by county population among the various offices. Mr. Adams then informed the Commission had a current carry-forward balance of approximately \$1.5 million. It would be necessary to hold back some funds for the potential 608 shortfall, anticipation of an increase in DSS cases, and certain expenses of the Capital Trial Division. Mr. Ryan informed the Commission that the annual budget contained \$9 million for 608 funds and that things were on track to actually require about \$9.5 million, and that while the criminal side had stabilized, the actual amount to be required for DSS based on their new filings was still unknown. Some discussion was had about the necessity to account for the funds to show that they are spent for necessary expenditures of the offices. Mr. Adams noted that many of the offices have needs for additional funds to cover the one-time costs of space, equipment and supplies necessary for the new hires made possible by the additional State funding provided last year. Following the discussion, the motion was passed by unanimous vote.

Human Resources Handbook Update: Mr. Adams informed the Commission that staff had completed revisions to the Commission's Human Resources Handbook. Mr. Brown informed the Commission that the Handbook had been revised to bring it up to date and make the Commission's policies consistent with the current policies recommended by State Human Resources, including updated policies dealing with overtime for non-exempt employees. He informed the Commission that the revised policies had been submitted to State HR for approval and requested that the Commission approve the revised Handbook subject to any minor revisions required by State HR. A

motion was made to approve the revised Human Resources Handbook subject to any changes required upon review by State HR. That motion was seconded and passed by unanimous vote.

Approval of Minutes: A motion was made to approve the Minutes of the September 23, 2016 meeting. That motion was seconded and passed by unanimous vote.

Public Defender Training Update: Mr. Brown informed the Commission that Public Defense 101 in November had 35 participants and had met with favorable reviews. He informed the Commission that Public Defense 102 was scheduled for March 6-8, 2017 in Columbia and Public Defense 103 for the first week in May with location yet to be determined. He also informed the Commission that plans were under way working with Heather Scalzo and the Children's Law Center to begin a series of one-day juvenile defender training seminars to address educational needs not currently being met in other trainings.

Executive Session: A motion was made to go to Executive Session to discuss two personnel matters. That motion was seconded and passed by unanimous vote.

Following Executive Session, a motion was made to advertise the position of Executive Director of the Commission as soon as possible and to appoint an Executive Director Selection Committee comprised of Harry Dest, Murrell Smith, John Nichols, Jack Howle, and Ashley Pennington to review applications of candidates to assume that position upon the retirement of Director Adams. That motion was seconded and passed by unanimous vote.

Based upon information provided to the Commission in Executive Session, a motion was made to have the Commission's legal counsel conduct an investigation of the nomination process and the nominee for the Tenth Circuit Public Defender and to report back to the Commission. That motion was seconded and passed by unanimous vote.

A motion was made to have Herverly Young continue as interim circuit public defender for the Tenth Circuit until such time as a new Circuit Public Defender is named and to inform Mr. Young and the nominee Ms. Johnson of that decision. That motion was seconded and passed by unanimous vote.

New Business: Mr. Nichols provided an update to the Commission on the status of the Brooks Legal Matter and stated that a briefing schedule on the matter has been set by the SC Supreme Court.

There being no further business, a motion to adjourn was made, seconded, and passed by unanimous vote.

Respectfully submitted,

Lawrence Brown
Deputy General Counsel